

REMARKS

It is respectfully requested that this Response Under 37 C.F.R. § 1.114 be considered in the above-identified application prior to continued examination.

In the Final Official Action, the Examiner rejected claims 1 and 3-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,432,046 to Yarush et al. (hereinafter “Yarush”) in view of U.S. Patent No. 6,970,308 to Otsuka (hereinafter “Otsuka”) and further in view of U.S. Patent No. 5,392,067 to Konno et al., (hereinafter “Konno”).

In response, Applicants respectfully traverse the Examiner’s rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

In the Final Official Action, the Examiner argued that Ostuka discloses the use of plates for suppressing deformation and Konno discloses a notch portion to mount the image pick-up unit at a position at which the optical image transmitted by the optical output portion can be picked up in the operating portion.

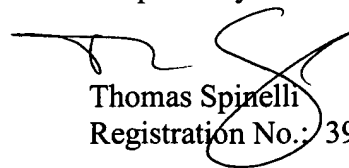
Although Applicants respectfully disagree with the Examiner’s interpretation of that which is taught in the Ostuka and Konno references for at least the reasons set forth in the previous response (the arguments therein being incorporated herein by reference), Applicants respectfully reiterate that Ostuka does not have a filing date that is earlier than the priority date of the present application. Therefore, Ostuka is also not a proper reference to be applied against the claims. Thus, the foreign priority date of the present application (i.e., January 28, 2003) antedates the U.S. filing date of the Ostuka reference (i.e., November 26, 2003). Therefore, the Ostuka reference is not a proper reference to be applied against the claims in the present application.

In this regard, as suggested by the Examiner in the Advisory Action, a literal English translation of the certified copies of the Japanese priority documents are being submitted herewith along with a declaration of the translator declaring that the translation is a true and faithful translation of Japanese Application Nos. 2003-019248 and 2003-019249 both filed in Japan on January 28, 2003, on which basis a claim of priority was made on January 26, 2004.

Accordingly, the § 103(a) rejection is thereby rendered moot and the Examiner is respectfully requested to withdraw the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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Enclosures (English Translations of Japanese Application Nos. 2003-019248 and 2003-019249 along with declarations of the translator)